

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

**ANTHONY J. CABLE,** )

)

**Plaintiff** )

)

**vs.** )

**Case No. 5:06-cv-02084-VEH-HGD**

)

**BRIDGET McGRAW, et al.,** )

)

**Defendants** )

---

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on December 17, 2007, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed for failing to state a claim upon which relief can be granted because it was filed outside the statute of limitations. On January 4, 2008, the plaintiff filed objections to the report and recommendation.

In his original complaint filed on October 10, 2006, the plaintiff claimed that during the summer of 2002 the defendants revoked his parole in violation of his constitutional right to due process. In his objections, the plaintiff reasserts the arguments made in his original complaint and additionally argues that defendant

McGraw's failure to place a parole hold upon him resulted in a violation of state law, which, he argues, can never be time-barred.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted because it was filed outside the statute of limitations. Any remaining claims that can be construed as state law claims are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1367(c)(3).

A Final Judgment will be entered.

**DONE** this the 22nd day of January, 2008.



---

**VIRGINIA EMERSON HOPKINS**  
United States District Judge